

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
OCTOBER 23, 2007**

Meeting Location:

Dinner Session – City Hall Conference Room (373 Highway 23)

Public Hearing and City Council Meeting - Crossroads Center (323 Highway 23)

Attendees: Nick Masino, Mayor
Jimmy Burnette, Mayor Pro Tem
Jace Brooks, Councilmember
Dan Foster, Councilmember
Kevin McOmber, Councilmember
Jeannine Rispin, Councilmember
Marty Allen, Interim City Manager
Elvira Rogers, Administrative Services Director
Gregory Jay, City Attorney

**5:30 P.M.
DINNER SESSION**

City Council Informal Session

Informal discussion among City Councilmembers and staff. Food provided for Elected Officials and staff. No action to be taken during session.

**6:30 P.M.
PUBLIC HEARING**

Mayor Masino opened the Public Hearing at 6:30 P.M. Marty Allen, Interim City Manager, read the procedures for Public Meetings for the record.

- 1. RZ-2007-008 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: S & P Castellum Group, Inc. Requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. Site is located in Land Lot 152 of the 7th District on Gwinco Boulevard near the intersection with Lawrenceville-Suwanee Road and contains approximately 3.88 acres**

Jason Mirabella, 1550 N. Brown Road, Lawrenceville, GA, represented the applicant and requested a 30-day delay of this request. There was no audience participation.

- 2. RZ-2007-010 (Change of Conditions) - Applicant/Owner: Opus South Corporation. Requests a rezoning from PMUD (Planned Mixed Use Development District) to PMUD with change of conditions (to reduce the minimum allowed unit size for a multi-family**

unit from 800 square feet to 600 square feet and to amend access requirements for a required trail). The site is located in Land Lot 169 of the 7th District along Lawrenceville-Suwanee Road between Satellite Boulevard and Burnette Road and contains approximately 148.32 acres

Josh Campbell, Planning Division Director, presented the staff analysis as follows: The applicant requested two changes to conditions on an on-going Planned Mixed Use Development. The first request was for a reduction in minimum unit size for a multi-family unit from 800 square feet to 600 feet. The second request was to remove the requirement for a grade separated crossing for a trail crossing a proposed parkway.

Staff recommended approval of the request to reduce the minimum unit size from 800 to 600 square feet and denial of the request to remove the requirement for a grade separated crossing. The Planning Commission concurred with staff's recommendation.

Support:

Martin McFarland represented OPUS South. He stated the applicant approves of the Planning Commission recommendation.

Oppositor:

- Andy Duncan, 3710 Davis Street, Suwanee, GA. Mr. Duncan stated he has supported the OPUS project from the beginning. He stated on February 23 of this year, the ARC took off the books what was described to citizens as the hinge-pin for the OPUS project. According to Neal O'Bryan of GaDOT, the project between Satellite Boulevard and McGinnis Ferry connector was taken off this year's budget. It was in the planning phase. There is a possibility it may be placed back on next year's budget. It is at least a 3-year project after the right-of-ways have been secured. Mr. Duncan addressed the unit size. He stated the smallest apartment offered in the Suwanee zip code is 750 square feet. Reducing the size to 600 square feet would be a 25% reduction. He asked if reducing the unit size would increase the number of units. In addition he stated more units would increase the number of cars on Lawrenceville Suwanee Road. He requested that Council not rubber stamp this request and table it until the McGinnis Ferry problem could be investigated. He stated Suwanee is known for thinking outside the box and getting awards. He requested a team effort in educating the public and making contact with State government and GaDOT to see when budget dollars will be available for this project and prevent Suwanee from being land locked, which is the potential. He stated, currently Lawrenceville Suwanee backs up in the afternoon, 1.6 miles from the interstate to Smithtown Road. When adding 1.02 million square feet of additional commercial space and 642 units as it was previously planned mooring that with high density, what will that do to traffic. McGinnis Ferry is already backed up. Buford Highway is a wreck. Peachtree Industrial has maladies all its own. He appealed to Council to look at this before adding more density and try to get McGinnis Ferry back on the books.
- Tom McConnell, 3795 Smithtown Road, Suwanee, GA. Mr. McConnell expressed great concern with the timeliness of The Gateway in conjunction with the delay of the McGinnis Ferry connection to I-85. This will be a gridlock situation at best.

Lawrenceville Suwanee/I-85 is our jugular vein to the heart of the City. Right now as time goes on it will be in a strangle hold. With additional density being added to an already apartment type complex it is egregious if the City does vote in its favor.

- Susan Hyzer, 3656 Martin Farm Road, Suwanee, GA. 3656 Martin Farm Road, Suwanee, GA. Ms. Hyzer requested Council please reconsider the request. She stated she understands the developer is interested in making more money but to what expense. The quality of the citizens of Suwanee is her concern. She stated 600 square feet is smaller than her garage. She believes this will hurt the people and the citizens of Suwanee.

Mayor Masino clarified that the request is not for additional units. The case was originally zoned at 340 units and the request will remain 340 units. The request is that a maximum of 5% of the units may be less than 700 square feet. In relation to the DOT, Mayor Masino stated he has met with the DOT Commissioner regarding the site and was informed there is a state crisis in transportation funding.

Mr. McFarland stated the request is not to increase density. In effect, the request will work to decrease density. The request will create the concept of a more urban core. The apartment reduction is intended for single user use not families. This will create studio apartments that will foster more professional single users. The request is actually to do the right sizing for the apartments. No additional density is requested.

There was no further discussion regarding this request.

3. Application for License to Sell Distilled Spirits to be Consumed on the Premises: Jang Soo Gardens Restaurant, 45 Satellite Boulevard, Suite 3-B-C. Applicant: Hae Sook Kim

Marty Allen stated Jang Soo Gardens Restaurant has requested an alcohol license for distilled spirits to be consumed on the premises. Hae Sook Kim will be the licensee. The applicant has gone through the background check and everything has come back fine.

There was no audience participation.

7:00 P.M.

CITY COUNCIL MEETING

1. Call To Order

Mayor Masino called the meeting to order at 7:01 P.M.

2. Announcements

- This Saturday, October 27th come enjoy Trek or Treat at Suwanee Creek Park starting at 11 a.m. In addition to a costume parade, activities will include a pumpkin hunt, dangling

doughnut challenge, free hot dogs while supplies last, and, of course, trek or treating along the Suwanee Creek Greenway.

- Advance voting for the November 6th general and special election begins this Monday, October 29th through Friday, November 2nd. Registered voters may cast their ballots from 8 a.m. – 5 p.m. at Suwanee City Hall during the week of advance voting or wait until Election Day. Tuesday, November 6, registered voters may cast their ballots from 7 a.m.-7 p.m. here at the Crossroads Center.
- Please join us Tuesday, November 13th at 11 a.m. for the eagerly anticipated groundbreaking for Suwanee’s new City Hall. As part of the ceremony, students in grades 3-5 are invited to participate in an essay contest. Possible topics include “I like living in Suwanee because...” Six winners will be selected and each winner will read her/his essay at the groundbreaking ceremony. Entries should be no more than 300 words and are due at the current Suwanee City Hall by 4 p.m. this Friday, October 26th.

For information on all upcoming events, please visit www.suwanee.com

3. Pledge of Allegiance

Mayor Masino was assisted by members of Troop 518 and 521.

4. Approval of Minutes

A. September 13, 2007 Called Meeting

Motion by Councilmember Foster to approve the September 13, 2007 Called Meeting Minutes, second by Councilmember Rispin and so carried 6-0.

B. September 25, 2007 Council Meeting

Motion by Councilmember McOmber to approve the September 25, 2007 Council Meeting Minutes, second by Mayor Pro Tem Burnette and so carried 6-0.

5. Adoption of Agenda as Presented

Motion by Councilmember Brooks to Adopt the Agenda as presented, second by Councilmember Foster and so carried 6-0.

6. Special Recognition

A. Suwanee Day Committee and Major Sponsors

Mayor Masino and Amy Doherty, Events Coordinator recognized the members of the Suwanee Day Committee. In addition, Primrose Schools and Southeastern Freight Lines were recognized as the two biggest sponsors for Suwanee Day. Primrose Schools was the Signature Sponsor of Suwanee Day and Southeastern Freight Lines, in their first year of sponsorship, was our Platinum Level Sponsor.

7. Audience Participation

- Maurice Cook, Chattahoochee Run Subdivision – Mr. Cook’s comments highlighted crime in the subdivision, a stop sign request, traffic concerns, police department staffing, city budget matters, contractor debris along roadways and the budget for the new City Hall. Mr. Cook requested Council delay building the New City Hall.

- Tom McConnell, 3795 Smithtown Road – Mr. McConnell stated he is a candidate for Mayor and he has filed an Ethics Complaint against the Mayor. Mr. McConnell requested that City Council act immediately to require Mayor Masino to cease actions related to the complaint.

8. OLD BUSINESS

- A. RZ-2007-008 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: S & P Castellum Group, Inc. Requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. Site is located in Land Lot 152 of the 7th District on Gwinco Boulevard near the intersection with Lawrenceville-Suwanee Road and contains approximately 3.88 acres

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

Motion by Councilmember Rispin to postpone RZ-2007-008, second by Councilmember Brooks and so carried 6-0.

- B. RZ-2007-010 (Change of Conditions) - Applicant/Owner: Opus South Corporation. Requests a rezoning from PMUD (Planned Mixed Use Development District) to PMUD with change of conditions (to reduce the minimum allowed unit size for a multi-family unit from 800 square feet to 600 square feet and to amend access requirements for a required trail). The site is located in Land Lot 169 of the 7th District along Lawrenceville-Suwanee Road between Satellite Boulevard and Burnette Road and contains approximately 148.32 acres

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

Councilmember Foster stated approval of this change does not impact the density and traffic as approved on the original PMUD request in 2006.

Motion by Councilmember Foster to approve RZ-2007-010 with change in condition as approved by staff and P&Z and modified by Council to read: All conditions of zoning from RZ-2006-13 shall remain in full effect, except for condition 5.3., which shall be revised to read as follows: Tract 8 shall have a maximum of 340 units. Minimum building setbacks: Front: 0'; Side: 0'; Rear: 0'. Building Height: No less than 4 stories in height. Minimum Unit Size:

- 1) 600 square feet, provided the following:
 - a) A maximum of 5 percent of units may be less than 700 square feet; and
 - b) A maximum of 50 percent of units may be between 700 and 800 square feet; and
 - c) The remaining units must be greater than 800 square feet.

In addition, the motion does not include and denies the request for a trail grade change as requested by the applicant, second by Councilmember Brooks and so carried 6-0.

C. Consideration of Stop Sign Resolution – Chattahoochee Run Drive and River Bluff Run Way

A traffic study has been conducted at the intersection of Chattahoochee Run Drive and River Bluff Run Way. Due to concerns for the safety of pedestrians and children at the intersection and school bus stop, an All Way Stop Condition is appropriate. ACTION: Consider the stop sign resolution for Chattahoochee Run Drive and River Bluff Run Way

Motion by Mayor Pro Tem Burnette to approve the stop sign resolution for Chattahoochee Run Drive and River Bluff Run Way, second by Councilmember Rispin and so carried 6-0.

Mayor Pro Tem Burnette requested the Mayor appoint a committee to further study the safety and cut through traffic issues of Chattahoochee Run Subdivision by appointing the Home Owner Association President (Dave Buckle) or designee, Tucker Balch, Amy Hicks, Jeannine Rispin and a City staff representative.

9. NEW BUSINESS

A. Consideration of Donation to Gwinnett SeniorNet

Held at the George Pierce Park Community Center and Prime Timers Pointe Senior Activity Center, the Gwinnett SeniorNet program offers computer technology education for senior citizens. This fiscal year, Council budgeted \$1,000 to assist the Gwinnett SeniorNet program purchase additional computers for the center. ACTION: Consider approving donation to Gwinnett SeniorNet.

Motion by Councilmember Foster to approve a donation to Gwinnett SeniorNet for the George Pierce Park building, second by Mayor Pro Tem Burnette and so carried 6-0.

Mayor Masino presented a check in the amount of \$1,000 to Nancy Briggs and Tommy Lee Brightwell.

B. Acceptance of Donation from Sweet Temptations to the Police Department

Sweet Temptations held an ice cream eating contest during Suwanee Day. They had 25 contestants and collected \$10 each for a total of \$250. Sweet Temptations matched the \$250 and would like to donate a total of \$500 to the Suwanee Police Department. ACTION: Accept the donation from Sweet Temptations.

Motion by Councilmember Brooks to approve acceptance of a donation from Sweet Temptations, second by Mayor Pro Tem Burnette and so carried 6-0.

Young Lee, owner, made the presentation to Police Chief Mike Jones, who accepted the donation on behalf of the City and the Police Department.

- C. Consideration of Application for License to Sell Distilled Spirits to be Consumed on the Premises: Jang Soo Gardens Restaurant, 45 Satellite Boulevard, Suite 3-B-C. Applicant: Hae Sook Kim

Jang Soo Gardens Restaurant has requested an alcohol license for distilled spirits to be consumed on the premises. The business already has a license for beer and wine to be consumed on the premises. Location: 45 Satellite Boulevard, Suite 3-B-C. Applicant: Hae Sook Kim. Ms. Kim's fingerprints have been returned with a clean record and the Finance Department is recommending approval. ACTION: Consider issuing the alcohol license.

Motion by Councilmember Rispin to approve the alcohol license for Jang Soo Gardens Restaurant, Applicant: Hae Sook Kim, second by Mayor Pro Tem Burnette and so carried 6-0.

- D. Consideration of Authorizing the Mayor to Enter into Agreement to become an Official Partner of the Clean Air Campaign

The Clean Air Campaign is a non-profit organization that provides transportation demand management outreach services, communications support and regional incentives programs for the State of Georgia. Partners of the Clean Air Campaign implement transportation demand management programs. These programs lead to improved morale, increased retention and recruitment, and bottom line savings through reduced need for office space and parking. As a partner, the City would agree to implement one or more programs that alleviate traffic congestion and/or reduce emissions that contribute to smog formation. ACTION: Consider authorizing the Mayor to enter into agreement to become an official partner of the Clean Air Campaign.

Motion by Mayor Pro Tem Burnette to approve the Mayor to enter into agreement to become an official partner of the Clean Air Campaign, second by Councilmember McOmber and so carried 6-0.

- E. Consideration of First Quarter Budget Adjustments

The four adjustments include the Council-approved cubicle expansion at City Hall, the Gwinnett County Correctional Inmate Work Crew, the MS4 needs assessment, and the *Money Magazine* top 10 celebration. ACTION: Consider the first quarter budget adjustments.

Motion by Councilmember Foster to approve the first quarter budget adjustments, second by Councilmember Brooks and so carried 6-0.

- F. Consideration of Authorizing the Mayor to Enter into Agreement with the Lowest Responsible Bidder for the Pedestrian Underpass Project

The pedestrian underpass will connect the current City Hall complex and Main Street in historic Old Town. Bids were due October 18th. ACTION: Consider authorizing the Mayor to enter into agreement with the lowest responsible bidder for the Pedestrian Underpass Project.

Motion by Councilmember Foster to approve Mayor to enter into Agreement with the lowest responsible bidder for the Pedestrian Underpass Project, second by Councilmember Burnette and so carried 5-0-1.

G. Consideration of Stop Sign Resolution – Pringle Drive and Stonecypher Road

Dick Goodman, representing the Stonecypher HOA Residents Committee, requested the City's consideration in approving an All Way Stop condition at the intersection of Stonecypher Road and Pringle Drive. Street Smarts, our Traffic Engineering Consultant, studied the intersection and concluded that the lack of adequate sight distance combined with the on-street parallel parking on Stonecypher Road is sufficient justification to install all-way stops at the intersection of Pringle Drive. ACTION: Consider the stop sign resolution for the intersection of Pringle Drive and Stonecypher Road.

Motion by Mayor Pro Tem Burnette to approve the stop sign resolution for the intersection of Pringle Drive and Stonecypher Road, second by Councilmember Brooks and so carried 6-0.

H. Acceptance of Donation of Property – Suwanee Creek Park and Hwy 23

A land donation at Suwanee Creek Park and Hwy 23 has been forwarded to the City. The Phase I Environmental Assessment has been completed and no discernable environmental conditions were found. This property presents a possible expansion of the Suwanee Creek Greenway South towards Duluth and Peachtree Industrial Boulevard. ACTION: **Accept donation of property.**

Motion by Mayor Pro Tem Burnette to approve acceptance of donation of property (Suwanee Creek Park and Hwy 23), second by Councilmember Rispin and so carried 6-0.

I. Consideration of Appointment of Marvin Allen as New City Manager

After conducting an extensive national search for a new City Manager, the finalist for the position of Suwanee City Manager is Marvin Allen. ACTION: Consider the appointment.

Motion by Councilmember Rispin to approve the appointment of Marvin Allen as City Manager, second by Councilmember Foster and so carried 6-0.

10. CONSENT AGENDA

- A. Authorize the Mayor to Grant Sanitary Sewer Easement to Gwinnett County for Sims Lake Park

In order to allow for construction of Sims Lake Park, a sanitary sewer easement needs to be granted to Gwinnett County. ACTION: Authorize the Mayor to grant a sanitary sewer easement to Gwinnett County.

- B. Approve the Resolution in Furtherance of Agreement with Commission for Accreditation of Law Enforcement Agencies, Inc.

At the September Council Meeting, Council authorized the Mayor to enter into agreement with the Commission for Accreditation of Law Enforcement Agencies, Inc. (CALEA). Mike Jones, Police Chief, requests approval of the following “housekeeping” measure which establishes a police department and authorizes said powers. ACTION: Approve the resolution.

- C. Approve Billiards Table Request by Brunswick Bowling & Billiards

Brunswick Bowling and Billiards has requested the City consider allowance of the operation of six billiard tables at the proposed Brunswick Zone XL. The amended City of Suwanee Ordinance, Section 10-292 regulates the number of billiard tables allowed in an establishment. The ordinance states “any bona fide family entertainment center may have pool or billiard tables greater than three in number but not exceeding a total of six upon approval of the City Council.” ACTION: Approve the request for billiard tables by Brunswick Bowling & Billiards.

- D. Approve the Selection of NOVA Engineering and Environmental for Special Inspections, Material Testing and National Pollutant Discharge Elimination System Monitoring for City Hall

This arrangement with NOVA Engineering and Environmental would be under a Gwinnett County agreement for on-demand service for special inspections, material testing and NPDES monitoring. ACTION: Approve the Selection of NOVA Engineering and Environmental for Special Inspections, Material Testing and National Pollutant Discharge Elimination System Monitoring for City Hall.

Motion by Mayor Pro Tem Burnette to approve the Consent Agenda, second by Councilmember Brooks and so carried 6-0.

11. City Manager’s Report

Mr. Allen stated the contractor is wrapping up the soft surface trial project. This trail is scheduled to be open to the public by the end of the month. The soft surface trail will add approximately 1 mile to the trail system.

12. Adjournment – Time: 7:47 P.M.

Motion by Councilmember Foster to Adjourn, second by Councilmember McOmber and so carried 6-0.

Approved 11/27/2007